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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

– against –

BARRY C. HONIG, MICHAEL BRAUSER,
JOHN STETSON, JOHN R. O’ROURKE III,
ROBERT LADD, ELLIOT MAZA, BRIAN KELLER,
JOHN H. FORD, ATG CAPITAL LLC, GRQ
CONSULTANTS, INC., HS CONTRARIAN
INVESTMENTS, LLC, GRANDER HOLDINGS, INC.,
and STETSON CAPITAL INVESTMENTS INC.,

Defendants.
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18 Civ. 8175 (ER)

ECF CASE

CIVIL CASE
DISCOVERY PLAN
AND SCHEDULING
ORDER

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. This case is to be tried to a jury.
3. Plaintiff’s Amended Complaint was filed on March 8, 2019. The Court has ordered that motions to dismiss are due **June 19, 2019** (*see* Dkt. 117). The parties have agreed that Opposition papers are due **August 2, 2019** and Reply papers are due **September 3, 2019**.
4. Initial Disclosures were exchanged by Plaintiff and Defendants Ladd, Brauser, Grander Holdings, Inc., Stetson, HS Contrarian Investments, LLC, O’Rourke and ATG Capital LLC on May 13, 2019.
5. If the Amended Complaint is not dismissed in its entirety, Answers are due 30 days after a ruling on the motions to dismiss.
6. Depositions may commence on or after **September 3, 2019**.

7. Contention interrogatories shall be served no earlier than 45 days prior to the fact discovery cut-off, or **January 10, 2020**. The provisions of Local Civil Rule 33.3 **shall otherwise apply to this case.**
8. Fact discovery cut-off: **February 25, 2020**. All Depositions (besides experts) shall be completed by **February 25, 2020**.
 - a. The Defendants contemplate that the 10 deposition limitation in Fed. R. Civ. P. 30(a)(1) and (2) on the number of Defendants' depositions may have to be modified in this case. The parties will endeavor – prior to the initiation of deposition discovery – to reach agreement on the number of depositions Defendants will need, given the factual issues in the case, and if more than Fed. R. Civ. P. 30(a) allows, and the parties agree, the parties shall prepare and submit a Stipulation to the Court for its approval.
9. Requests to Admit, if any, shall be served no earlier than 45 days prior to the fact discovery cut -off, or **January 10, 2020**.
10. Expert reports shall be served no later than **March 10, 2020**.
11. Rebuttal expert reports shall be served no later than **March 31, 2020**.
12. Expert depositions shall be completed by **April 30, 2020**.
13. ALL DISCOVERY SHALL BE COMPLETED BY **April 30, 2020**, unless Answers have not yet been filed. If Answers have not been filed by April 30, 2020, the parties will confer and jointly propose, within one week after Answers are filed, a schedule for any additional Discovery.
14. If Answers are filed by **April 30, 2020**, the Court will hold a status conference on **May 1, 2020**, or another time convenient for the Court. During that status conference, the parties will present a proposed schedule for any motions for summary judgment, pre-trial submissions, and trial.
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference), unless the parties agree in writing to move interim fact discovery dates.
17. The Magistrate Judge assigned to this case is the Hon. Barbara C. Moses.

18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. A case management conference is scheduled for **May 1, 2020, at 11:30 a.m.**

SO ORDERED.

Dated: New York, New York

May 20, 2019



Edgardo Ramos, U.S. District Judge